

Federal Defenders
OF NEW YORK, INC.

Southern District
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Leonard F. Joy
Executive Director

August 30, 2008

Southern District of New York
John J. Byrnes
Attorney-in-Charge

VIA HAND DELIVERY

Honorable Gerard E. Lynch
United States District Judge
Southern District of New York
United States District Court
500 Pearl Street
New York, New York 10007

**Re: United States v. Anthony Morante
08 Cr. 585 (GEL)**

Dear Judge Lynch:

I write on behalf of my client, Anthony Morante, who has moved to suppress statements and physical evidence obtained on or about March 19, 2008.

Due to an error on my part, an incomplete version of Mr. Morante's declaration was filed in support of his motion to suppress. I am attaching the corrected version that should have been filed on August 15 and I ask that the Court accept it as having been filed along with the notice of motion and my affirmation on August 15. In light of the short motion schedule that was set by the Court, the defense submits that will be no prejudice to the government if the Court accepts the corrected declaration for filing. In its August 29, 2008 letter to the Court, the government consented to a hearing to determine whether the police had reasonable suspicion to stop the livery cab in which Mr. Morante was riding. Of course, if the government feels that it needs additional time to prepare for a hearing, the defense would consent to an adjournment of the September 5, 2008 hearing and has no objection to the exclusion of the time until the adjourn date from any speedy trial calculation.

I apologize for any inconvenience my mistake caused and I thank the Court for its consideration of this matter.

Respectfully submitted,



PEGGY M. CROSS

Assistant Federal Defender
(212) 417-8736

cc: AUSA Christian Everdell (via facsimile)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

08 CR. 585 (GEL)

- v - :

ANTHONY MORANTE, :

Defendant. :

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DECLARATION OF ANTHONY MORANTE

I, ANTHONY MORANTE, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am the defendant in the above captioned criminal case, and I make this declaration in support of a motion pursuant to Rules 12(b)(3) and 41 of the Federal Rules of Criminal Procedure to suppress physical evidence and statements obtained from me by law enforcement authorities in violation of my constitutional rights. Since the only purpose of this declaration is to show that my constitutional rights were violated, I have not included every detail of what occurred.
2. On the evening of March 19, 2008, I was standing in the vicinity of 187th Street and Cambreleng Avenue in the Bronx.
3. I was not engaged in any suspicious behavior. Contrary to the allegation in the complaint filed against me in this case, I was not involved in the exchange of anything for money.
4. I got in a livery cab and that cab was pulled over by New York police officers. To the best of my knowledge, there was no traffic violation or infraction prior to the cab being pulled over.
5. As a result of my encounter with the police, they recovered a knife and a gun from me.

Dated: Brooklyn, New York
August 14, 2008


Anthony Morante